

Issued May 17, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1391.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF PRESERVES.

On January 14, 1911, the United States Attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed two informations in the District Court of the United States for said district against S. J. Van Lill Co., a corporation in the city of Baltimore, alleging shipments by it, in violation of the Food and Drugs Act, on or about April 2, 1910, from the State of Maryland into the State of New York, of a quantity of preserves which were misbranded. The products were quince apple preserves and peach apple preserves, both being labeled as follows, with the exception of the name of the product: "Selected, contains no benzoate of soda or other artificial preservative or coloring. Astoria Brand x x Preserves. Prepared from granulated sugar, fruit and apple juice. Prepared by S. J. Van Lill & Co., Baltimore, Md."

A sample of each of said products was analyzed by the Bureau of Chemistry of the United States Department of Agriculture with the following results: The quince apple preserves showed a total ash of 1.05 per cent and 0.31 per cent phosphoric acid (P_2O_5), indicating added phosphoric acid; and the peach apple preserves showed a total ash of 0.65 per cent and 0.35 per cent phosphoric acid (P_2O_5), indicating added phosphoric acid. Misbranding was alleged against each of said products for the reason that the labels were false and misleading and tended to deceive the purchaser into the belief that the products in question consisted solely of granulated sugar, fruit, and apple juice, when in fact the analysis showed them to consist of said ingredients and added acid.

On November 28, 1911, the defendant pleaded guilty to both informations and was fined \$15 in each case, or a total of \$30.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *February 3, 1912.*